

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LEEANN SPELL
Plaintiff,

v.

**JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND D.K.
CHAPMAN TRANSPORT, LLC.**
Defendants.

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CIVIL ACTION NO. 3:22-cv-1629

INDEX OF STATE COURT FILE

The following is an index identifying each state court documents and the date in which each document was filed in the 191ST Judicial District Court of Dallas County, Texas:

EXHIBIT	DATE	DOCUMENT
2		State Court File
2a	07/26/2022	Docket Sheet
2b	03/12/2021	Plaintiffs' Original Petition
2c	03/12/2021	Plaintiffs' Demand for Jury
2d	03/29/2021	Original Notice of Removal to Federal Court
2e	06/14/2022	Letter from Federal Court regarding Remand Order
2f	06/14/2022	Federal Civil Docket
2g	06/22/2022	Jury Trial Notice

EXHIBIT 2a

Case Information

DC-21-03279 | LEEANN SPELL vs. JAMES HATFIELD, et al

Case Number

DC-21-03279

File Date

03/12/2021

Court

191st District Court

Case Type

MOTOR VEHICLE ACCIDENT

Judicial Officer

SLAUGHTER, GENA

Case Status

RE-OPENED

Party

PLAINTIFF

SPELL, LEEANN

Address

C/O WITHERITE LAW GROUP, PLLC

10440 N. CENTRAL EXPRESSWAY, SUITE 400

DALLAS TX 75231

Active Attorneys ▼

Lead Attorney

JOBIN, LAUREN V

Retained

DEFENDANT

HATFIELD, JAMES

Address

33680 WEST 82ND STREET

DE SOTO KS 66018

Active Attorneys ▼

Lead Attorney

SARGENT, DAVID LYNN

Retained

DEFENDANT

DEBRICK TRUCK LINE COMPANY

Address

REGISTERED AGENT, ARNOLD DEBRICK

15225 WEST 351ST STREET

PAOLA KS 66071

Active Attorneys ▼

Lead Attorney

SARGENT, DAVID LYNN

Retained

DEFENDANT

BOWMAN SALES AND EQUIPMENT, INC.

Address

REGISTERED AGENT, ADAM DEISEROTH
1401 SOUTH LOOP 12
IRVING TX 75060

Disposition Events

03/29/2021 Judgment ▼

NOTICE OF REMOVAL TO FEDERAL COURT

Judicial Officer
SLAUGHTER, GENA

Judgment Type
ALL OTHER DISPOSITIONS

Judgment

Total Judgment: of \$0.00

Awarded To: HATFIELD, JAMES, et al

Awarded Against: SPELL, LEEANN

Events and Hearings

03/12/2021 NEW CASE FILED (OCA) - CIVIL

03/12/2021 ORIGINAL PETITION ▼

ORIGINAL PETITION

03/12/2021 ISSUE CITATION ▼

ISSUE CITATION - JAMES HATFIELD

ISSUE CITATION - DEBRICK TRUCK LINE COMPANY

ISSUE CITATION - BOWMAN SALES AND EQUIPMENT, INC.

Comment

ESERVE

03/12/2021 JURY DEMAND ▼

JURY DEMAND

03/29/2021 NOTICE OF REMOVAL TO FEDERAL COURT ▼

NOTICE OF REMOVAL TO FEDERAL COURT

03/29/2021 CITATION ▼

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

JAMES HATFIELD

03/29/2021 CITATION ▼

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

DEBRICK TRUCK LINE COMPANY

03/29/2021 CITATION ▼

Unserved

Anticipated Server

ESERVE

Anticipated Method

Comment

BOWMAN SALES AND EQUIPMENT, INC.

06/14/2022 CORRESPONDENCE - LETTER TO FILE ▼

CORRESPONDENCE - LETTER TO FILE

Comment

LETTER RE ORDER TO REMAND

06/14/2022 MISCELLANEOUS EVENT ▼

MISCELLANEOUS EVENT

Comment

DOCKET SHEET - U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS (DALLAS)

06/14/2022 ORDER - REMAND (POST JUDG MOTION) (OCA and REOPEN CASE) ▼

ORDER - REMAND (POST JUDG MOTION) (OCA and REOPEN CASE)

07/11/2022 RETURNED MAIL ▼

RETURNED MAIL

Comment

NOTICE JURY TRIAL-BOWMAN SALES AND EQUIPMENT, INC.

09/26/2022 Jury Trial - Civil ▼

191st JURY TRIAL LETTER

191st JURY TRIAL LETTER

191st JURY TRIAL LETTER

191st JURY TRIAL LETTER

Judicial Officer

SLAUGHTER, GENA

Hearing Time

9:30 AM

Financial

SPELL, LEEANN

Total Financial Assessment

\$356.00

Total Payments and Credits

\$356.00

3/15/2021 Transaction Assessment

\$356.00

3/15/2021 CREDIT CARD - TEXFILE (DC) Receipt # 15473-2021-DCLK SPELL, LEEANN (\$356.00)

Documents

ORIGINAL PETITION

JURY DEMAND

ISSUE CITATION - JAMES HATFIELD

ISSUE CITATION - DEDRICK TRUCK LINE COMPANY

ISSUE CITATION - BOWMAN SALES AND EQUIPMENT, INC.

NOTICE OF REMOVAL TO FEDERAL COURT

CORRESPONDENCE - LETTER TO FILE

MISCELLANEOUS EVENT

ORDER - REMAND (POST JUDG MOTION) (OCA and REOPEN CASE)

191st JURY TRIAL LETTER

191st JURY TRIAL LETTER

191st JURY TRIAL LETTER

191st JURY TRIAL LETTER

RETURNED MAIL

EXHIBIT 2b

DC-21-03279

CAUSE NO.

LEEANN SPELL:

Plaintiff,

VS.

**JAMES HATFIELD; DEBRICK TRUCK
LINE COMPANY; AND BOWMAN
SALES AND EQUIPMENT, INC.;**

Defendants.

www.pearsoned.com

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

J-191st JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Leeann Spell files Plaintiff's Original Petition complaining of Defendants James Hatfield, Debrick Truck Line Company, and Bowman Sales And Equipment, Inc.

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 pursuant to Rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

II. RULE 47 PLEADING REQUIREMENTS

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief of over \$250,000 but not more than \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

III. PARTIES

Plaintiff Leeann Spell is an individual resident of Dallas, Dallas County, Texas. Her driver's license number is *****795 and her social security number is ***-**-305.

Defendant James Hatfield is an individual resident of De Soto, Johnson County, Kansas and may be served with process at 33680 West 82nd Street, De Soto, Kansas 66018.

Defendant Debrick Truck Line Company is a corporation doing business in Paola, Miami County, Kansas and may be served with process by serving its registered agent, Arnold Debrick, at 15225 West 351st Street, Paola, Kansas 66071.

Defendant Bowman Sales and Equipment, Inc. is a corporation doing business in Irving, Dallas County, Texas and may be served with process by serving its registered agent, Adam Deiseroth, at 1401 S Loop 12, Irving, Texas 75060

IV. JURISDICTION AND VENUE

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

V. FACTS

This lawsuit arises out of a motor vehicle collision that occurred on or about Monday, January 4, 2021 at or near the intersection of South Walton Walker Boulevard and Duncanville Road within the city limits of Dallas, Dallas County, Texas. Plaintiff Leeann Spell was operating her vehicle northbound on Duncanville Road turning left onto South Walton Walker Boulevard in the left turn lane. Defendant James Hatfield, while in the course and scope of his employment with, and operating under the Federal Motor Carrier authority of Defendant Debrick Truck Line Company, was operating his 18-wheeler northbound on Duncanville Road turning left onto South Walton Walker Boulevard in the right turn lane. Defendant James Hatfield failed to drive in a single lane while turning and collided hard with the passenger's side of Plaintiff's vehicle. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

VI. CAUSES OF ACTION

A. NEGLIGENCE – DEFENDANT JAMES HATFIELD

At the time of the motor vehicle collision, Defendant James Hatfield was operating 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate 18-wheeler reasonably and prudently. Defendant breached that duty in one or more of the following respects:

1. Defendant did not keep such proper lookout and attention to the roadway as a person or ordinary prudence would have kept under the same or similar circumstances;

2. Defendant changed lanes when such movement could not be made safely in violation of TEX. TRANSP. CODE §545.060;
3. Defendant did not drive in a single lane;
4. Defendant did not keep an assured safe distance from Plaintiff's vehicle;
5. Defendant did not timely apply the brakes of 18-wheeler in order to avoid the collision in question; and
6. Defendant was operating said 18-wheeler at a greater rate of speed than a person of ordinary care and prudence would have done under the same or similar circumstances in violation of TEX. TRANSP. CODE §545.351.

B. NEGLIGENCE ENTRUSTMENT – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

As an additional cause of action, Plaintiff would show that at the time and on the occasion in question, Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. were the owners of the vehicle driven by Defendant James Hatfield. Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. entrusted the vehicle to Defendant James Hatfield. Defendant James Hatfield was unlicensed, incompetent, and/or reckless and Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. knew or should have known that Defendant James Hatfield was unlicensed, incompetent, and/or reckless. Defendant James Hatfield's negligence on the occasion in question proximately caused the collision.

C. RESPONDEAT SUPERIOR – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant James Hatfield was in the course and scope of

employment with Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. thereby making Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. liable under the doctrine of *Respondeat Superior*.

D. NEGLIGENCE – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. negligently hired and retained Defendant James Hatfield. Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. failed to properly qualify, train, and/or supervise Defendant James Hatfield in order to prevent such collision.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

VII. DAMAGES

As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Property damage and loss of use of Plaintiff's vehicle;
- d. Physical pain and suffering in the past and future;
- e. Mental anguish in the past and future; and

- f. Physical impairment in the past and future.

VIII. INTENT TO USE DEFENDANTS' DOCUMENTS

Plaintiff hereby gives notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

IX. JURY TRIAL

Plaintiff demands a trial by jury and includes the appropriate jury fees.

X. U.S. LIFE TABLES

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

XI. RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendants for:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's property damage and loss of use of Plaintiff's vehicle;
5. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
6. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;

7. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;
8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiff's damages as allowed by law;
10. All costs of court; and
11. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

WITHERITE LAW GROUP, PLLC

BY: /s/ Lauren Jobin

LAUREN JOBIN

State Bar No. 24081263

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10440 N. Central Expressway

Suite 400

Dallas, TX 75231-2228

214/378-6665

214/378-6670 (fax)

ATTORNEYS FOR PLAINTIFF

EXHIBIT 2c



FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE
CHIEF DEPUTY

CAUSE NO. DC-21-03279

LEEANN SPELL

VS.

JAMES HATFIELD, et al

191st District Court

ENTER DEMAND FOR JURY

JURY FEE PAID BY: LEEANN SPELL

FEE PAID: 40

EXHIBIT 2d

CAUSE NO. DC-21-03279**LEEANN SPELL***Plaintiff,*

v.

**JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.***Defendants.*§
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§**IN THE DISTRICT COURT OF****DALLAS COUNTY, TEXAS****191ST JUDICIAL DISTRICT****NOTICE OF REMOVAL TO FEDERAL COURT****TO THE HONORABLE JUDGE OF THIS COURT:**

Please take notice of the civil action, brought on March 12, 2021, in the 191st Judicial District Court, Dallas County, Texas, entitled as *Leeann Spell v. James Hatfield, Debrick Truck Line Company, and Bowman Sales and Equipment, Inc.*; Cause No. DC-21-03279, that Defendants James Hatfield and Debrick Truck Line Company have, pursuant to federal law, filed with the clerk of the United States Court for the Northern District of Texas, Dallas Division, a Notice of Removal, a copy of which is attached and filed with this document, and that this action is removed to the United States District Court for trial as of the day of its filing, March 29, 2021. This Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

Respectfully submitted,

By: /s/ David L. Sargent
DAVID L. SARGENT
State Bar No. 17648700
david.sargent@sargentlawtx.com
GERARDO E. ALCANTARA
State Bar No. 24109569
jerry.alcantara@sargentlawtx.com

SARGENT LAW, P.C.
1717 Main Street, Suite 4750
Dallas, Texas 75201-7346
Telephone: (214) 749-6000
Facsimile: (214) 749-6100

**COUNSEL FOR DEFENDANTS
JAMES HATFIELD AND DEBRICK
TRUCK LINE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 29TH day of March 2021, a true and correct copy of the above and foregoing instrument was forwarded to the following counsel via certified mail return receipt requested:

Lauren Jobin
Shelly Greco
Witherite Law Group, PLLC
10440 N. Central Expressway, Suite 400
Dallas, Texas 75231-2228

/s/ David L. Sargent
DAVID L. SARGENT

ATTACHMENT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEEANN SPELL

Plaintiff,

v.

JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.

Defendants.

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CIVIL ACTION NO. 3:21-cv-00719

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS:**

COME NOW, Defendants James Hatfield and Debrick Truck Line Company, and hereby petition this Court pursuant to 28 U.S.C. §§ 1332, 1441 (b), and 1446 for removal on the basis of diversity jurisdiction to the United States District Court for the Northern District of Texas, Dallas Division, of the action numbered and styled *Leeann Spell v. James Hatfield; Debrick Truck Line Company; and Bowman Sales and Equipment, Inc.*, Cause No. DC-21-03279, in the 191st Judicial District Court of Dallas County, Texas, (hereinafter the “State Court Case”), and in support thereof would respectfully show this Court as follows:

I.

REMOVAL IS TIMELY

1. Defendants James Hatfield and Debrick Truck Line Company were served with *Plaintiffs’ Original Petition* (“Petition”) on March 17, 2021. This Notice of Removal is filed within thirty (30) days of service of the Petition and is timely filed under 28 U.S.C. § 1446(b).

Defendants James Hatfield and Debrick Truck Line Company seek to remove the matter and are therefore the Removing Defendants.

II.

COMPLETE DIVERSITY OF CITIZENSHIP EXISTS

2. The district courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties. Defendants assert that Bowman Sales and Equipment, Inc. was impermissibly joined—through mistake or fraud—and this improper joinder does not destroy federal court’s jurisdiction over this matter as the proper parties are diverse in citizenship. Plaintiffs in this action are citizens of a different state from the Defendants, and no Defendant is a citizen of Texas. Complete diversity exists.

3. Plaintiff Leeann Spell was a citizen of Dallas County, Texas at the time this action was filed. Consequently, Plaintiff Leeann Spell was at the time this action was commenced, and is currently, a citizen of the State of Texas and no other state.

4. Defendant James Hatfield was a citizen of Johnson County, Kansas at the time this action was filed. Consequently, Defendant James Hatfield was at the time this action was commenced, and is currently, a citizen of the State of Kansas and no other state.

5. Defendant Debrick Truck Line Company is incorporated in the State of Kansas with its principal place of business now and at the time the action was commenced, in Paola, Miami County, Kansas. Therefore, Defendant Debrick Truck Line Company was at the time this action was commenced, and is currently, a citizen of the State of Kansas and no other state.

6. Defendant Bowman Sales and Equipment, Inc. is a Texas corporation that has been fraudulently or mistakenly joined to destroy diversity of citizenship. On Page 3, Section V of *Plaintiff’s Original Petition*, Plaintiff alleges that Defendant James Hatfield was the operator of an 18-wheeler [tractor-trailer] while under the course and scope of his employment with Defendant

Debrick Truck Line Company. Then on page 4, Section B of *Plaintiff's Original Petition*, Plaintiff either fraudulently or mistakenly alleges and refers to Defendant as “Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc.” Defendant Bowman Sales and Equipment, Inc. is a separate entity. Plaintiff has either mistakenly or fraudulently sued Defendant Bowman Sales and Equipment, Inc., and joined as a party in order to destroy diversity of citizenship.¹

7. The joinder of Bowman Sales and Equipment, Inc. is fraudulent as there is no real connection in the subject matter of Plaintiffs’ claims against Defendants James Hatfield and Debrick Truck Line Company.

8. There is no possibility that Plaintiffs will be able to establish a cause of action against Bowman Sales and Equipment, Inc., as it is an improper party, not connected to the incident that gave rise to this lawsuit. Defendant Bowman Sales and Equipment, Inc., is an improper party and as such its citizenship is irrelevant and should be disregarded. *See Tedder v. F.M.C. Corp.*, 590 F.2d 115, 117 (5th Cir. 1979) (stating that if the claim against a local defendant is deemed fraudulent, lack of diversity will not prevent removal). Therefore, complete diversity exists.

III. SNAP REMOVAL PURSUANT TO 28 U.S.C. 1441(b)(2)

9. Alternatively, district courts of the United States also have original jurisdiction over this action based on diversity of citizenship among the parties when an out-of-state defendant removes a state court case to federal court before an in-state Defendant is properly joined and served pursuant to the plain language in 28 U.S.C. § 1441(b)(2).

¹ Federal Courts use a myriad of tests to determine if diversity jurisdiction exists when claims of fraudulent joinder are alleged. The most widely used is the “No Possibility Test” requiring the removing party to show “either that there is no possibility that the plaintiff would be able to establish a cause of action against the in-state defendant in state court[,] or that there has been outright fraud in the plaintiff’s pleadings of jurisdictional facts.” *B., Inc. v. Miller Brewing Co.*, 663 F.2d 545, 549 (5th Cir. 1981).

10. The U.S. Court of Appeals for the Fifth Circuit has affirmed the use of “snap removal” by an out-of-state defendant to remove a state court case to federal court before service is effectuated on in-state defendants. Normally, under the *local defendant* rule, removal to federal court is not permitted where a defendant is a citizen of the forum state. Relying on the plain language of 28 U.S.C. § 1441(b)(2), which limits the forum defendant rule to parties “properly joined and served,” the U.S. Court of Appeals for the Fifth Circuit in *Texas Brine Company, L.L.C. v. American Arbitration Association, Inc.*, (5th Cir. Apr. 7, 2020), held that an out-of-state defendant served with process can immediately remove to federal court before in-state defendants are served. In *Texas Brine*, the Fifth Circuit eliminated all doubt when it expressly held that as long as all other prerequisites to removal are met, a non-forum defendant may remove a case so long as the forum defendant is not yet “properly joined and served” at the time of removal. *Id.*

11. Therefore, in the present case, Defendant Bowman Sales and Equipment, Inc. has not yet been “properly joined and served,” and therefore Defendants James Hatfield and Debrick Truck Line Company may remove the case to federal court since all other prerequisites for removal have been met.

IV. AMOUNT IN CONTROVERSY

12. In addition to complete diversity of citizenship, the complaint must meet this Court’s \$75,000.00 jurisdictional threshold. 28 U.S.C. § 1446(C)(2)(A). The method for properly asserting the amount in controversy are outlined in section 1446 of the United States Code. 28 U.S.C § 1446. First, the Notice of Removal may assert the amount in controversy, if the initial pleadings were not required to include a specific monetary demand or permit damages in excess of the pleadings. *Id.* § 1446(C)(2)(A). Second, removal is proper upon showing by the preponderance of the evidence that the amount in controversy exceeds this Courts \$75,000.00

threshold. *Id.* § 1446(C)(2)(B). Further, parties may rely on an estimation of damages calculated from the allegations in the complaint to prove the amount in controversy. *McPhail v. Deere & Co.*, 529 F.3d 947, 951 (10th Cir. 2008); *Meridian Sec. Ins. v. Sadowski*, 441 F.3d 536, 541 (7th Cir. 2006); *Luckett v. Delta Airlines, Inc.*, 171 F.3d 295, 298 (5th Cir. 1999). Once a defendant satisfies its burden, any plaintiff wanting to remand the cause to back to state court must prove to a legal certainty that, if successful, it would not be able to recover more than the jurisdictional amount. *See McPhail*, 529 F.3d at 955.

13. A review of the Plaintiffs’ Original Petition in the instant case clearly shows that the alleged damages easily exceed \$75,000.00. *Plaintiffs’ Original Petition* alleges that “Plaintiff seeks monetary relief of over \$250,000.00, but not more than \$1,000,000.00.” (Pls. Orig. Pet., pg. 1, ¶ 2). Plaintiff claims the following damages: physical pain and suffering in the past and future; mental anguish in the past and future; physical impairment in the past and future; property damage and loss of use of Plaintiff’s vehicle; lost wages in the past and loss of earning capacity in the future; and medical expenses in the past and future. (Pls. Orig. Pet., pg. 5, ¶ 7). Based on Plaintiffs’ claimed damages, it is clear that Defendants will be subjected to exposure beyond the \$75,000.00 jurisdictional threshold of this Court. Plaintiff has therefore affirmatively pled monetary relief sought over \$250,000.00. (Pls. Orig. Pet., pg. 1, ¶ 2).

14. Defendants assert that the amount in controversy in this matter exceeds the \$75,000.00 threshold exclusive of interests and costs. *See* 28 U.S.C. § 1332(a). As plead the amount in controversy in this case is in excess of \$250,000.00. (Pls. Orig. Pet., pg. 1, ¶ 2).

V.
PROCEDURAL REQUIREMENTS

15. Removal of this action is proper under 28 U.S.C. § 1441, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332 because Plaintiff Leeann Spell and Defendants James Hatfield and Debrick Truck Line Company are diverse in citizenship.

16. Defendant Bowman Sales and Equipment, Inc., has not been properly joined and served as of the date of filing this Removal, therefore the Removing Defendants do not have to seek that entities consent or joinder. 28 U.S.C. § 1446(b)(2)(A). Defendant Bowman Sales and Equipment, Inc., was fraudulently or mistakenly joined to destroy diversity and its consent is not required. *See Jernigan v. Ashland Oil, Inc.*, 989 F.2d 812, 815 (5th Cir.1993); *see also Rico v. Flores*, 481 F.3d 234, 239 (5th Cir.2007). Alternatively, should this Court conclude that Defendant Bowman Sales and Equipment, Inc. was not fraudulently or mistakenly joined to destroy diversity, then removal is still appropriate under the plain language of 28 U.S.C. § 1441(b)(2), which limits the forum defendant rule to parties “properly joined and served,” the U.S. Court of Appeals for the Fifth Circuit in *Texas Brine Company, L.L.C. v. American Arbitration Association, Inc.*, (5th Cir. Apr. 7, 2020).

17. By virtue of filing this Notice of Removal, the Removing Defendants do not waive their right to assert any motions to transfer venue or dismiss, including any F.R.C.P. Rule 12 motions, permitted by the applicable Federal Rules of Civil Procedure.

18. All of the papers on file in the State Court case at the time of removal are attached hereto as Exhibit 2. Those papers include copies of the Court’s Docket Sheet and Plaintiffs’ Original Petition.

19. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

20. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the Court Clerk of the 191st Judicial District Court of Dallas County, Texas promptly after the filing of this Notice.

VI.
PRAYER FOR RELIEF

WHEREFORE, James Hatfield and Debrick Truck Line Company, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, remove this action for trial from the 191st Judicial District Court of Dallas County, Texas to this Court, on the 29TH day of March, 2021.

Respectfully submitted,

By: /s/ David L. Sargent
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david.sargent@sargentlawtx.com
GERARDO E. ALCANTARA
State Bar No. 24109569
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SARGENT LAW, P.C.
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Telephone: (214) 749-6000
Facsimile: (214) 749-6100

ATTORNEYS FOR DEFENDANTS
JAMES HATFIELD AND DEBRICK
TRUCK LINE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 29TH day of March 2021, a true and correct copy of the above and foregoing instrument was forwarded to the following counsel via certified mail return receipt requested:

Lauren Jobin
Shelly Greco
WITHERITE LAW GROUP, PLLC
10440 N. Central Expressway, Suite 400
Dallas, Texas 75231-2228

/s/ David L. Sargent
DAVID L. SARGENT

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LEEANN SPELL

Plaintiff,

v.

**JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.**

Defendants.

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CIVIL ACTION NO. 3:21-cv-00719

INDEX OF MATTERS BEING FILED

Pursuant to the Rules of the United States District Court for the Northern District of Texas,
the following is an index of matters being filed in this case:

1. Notice of Removal;
2. Index of Matters Being Filed (Exhibit 1);
3. Index of State Court File (Exhibit 2);
4. Certificate of Interested Persons and Local Rule CV-81 Information (Exhibit 3);
5. Defendant Debrick Truck Line Company's Corporate Disclosure Statement
(Exhibit 4);
6. Federal Civil Cover Sheet (Exhibit 5); and
7. Supplemental Civil Cover Sheet (Exhibit 6).

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEEANN SPELL

Plaintiff,

v.

JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.

Defendants.

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CIVIL ACTION NO. 3:21-cv-00719

INDEX OF STATE COURT FILE

The following is an index identifying each state court documents and the date in which each document was filed in the 191ST Judicial District Court of Dallas County, Texas:

EXHIBIT	DATE	DOCUMENT
2		State Court File
2a	03/24/2021	Docket Sheet
2b	03/12/2021	Plaintiffs' Original Petition
2c	03/12/2021	Plaintiffs' Demand for Jury

EXHIBIT 2a

Case Information

DC-21-03279 | LEEANN SPELL vs. JAMES HATFIELD, et al

Case Number

DC-21-03279

File Date

03/12/2021

Court

191st District Court

Case Type

MOTOR VEHICLE ACCIDENT

Judicial Officer

SLAUGHTER, GENA

Case Status

OPEN

Party

PLAINTIFF

SPELL, LEEANN

Address

C/O WITHERITE LAW GROUP, PLLC

10440 N. CENTRAL EXPRESSWAY, SUITE 400

DALLAS TX 75231

Active Attorneys ▼

Lead Attorney

JOBIN, LAUREN V

Retained

DEFENDANT

HATFIELD, JAMES

Address

33680 WEST 82ND STREET

DE SOTO KS 66018

DEFENDANT

DEBRICK TRUCK LINE COMPANY

Address

REGISTERED AGENT, ARNOLD DEBRICK

15225 WEST 351ST STREET

PAOLA KS 66071

DEFENDANT

BOWMAN SALES AND EQUIPMENT, INC.

Address

Events and Hearings

03/12/2021 NEW CASE FILED (OCA) - CIVIL

03/12/2021 ORIGINAL PETITION ▼

ORIGINAL PETITION

03/12/2021 ISSUE CITATION ▼

Comment
 ESERVE

03/12/2021 JURY DEMAND ▼

JURY DEMAND

Financial

SPELL, LEEANN

Total Financial Assessment	\$356.00
Total Payments and Credits	\$356.00

3/15/2021	Transaction Assessment	\$356.00
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3/15/2021	CREDIT CARD - TEXFILE (DC)	Receipt # 15473-2021-DCLK	SPELL, LEEANN	(\$356.00)
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Documents

ORIGINAL PETITION

JURY DEMAND

EXHIBIT 2b

DC-21-03279

www.pearsoned.com

J-191st JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION – Page 1

III. PARTIES

Plaintiff Leeann Spell is an individual resident of Dallas, Dallas County, Texas. Her driver's license number is *****795 and her social security number is ***-**-305.

Defendant James Hatfield is an individual resident of De Soto, Johnson County, Kansas and may be served with process at 33680 West 82nd Street, De Soto, Kansas 66018.

Defendant Debrick Truck Line Company is a corporation doing business in Paola, Miami County, Kansas and may be served with process by serving its registered agent, Arnold Debrick, at 15225 West 351st Street, Paola, Kansas 66071.

Defendant Bowman Sales and Equipment, Inc. is a corporation doing business in Irving, Dallas County, Texas and may be served with process by serving its registered agent, Adam Deiseroth, at 1401 S Loop 12, Irving, Texas 75060

IV. JURISDICTION AND VENUE

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

V. FACTS

This lawsuit arises out of a motor vehicle collision that occurred on or about Monday, January 4, 2021 at or near the intersection of South Walton Walker Boulevard and Duncanville Road within the city limits of Dallas, Dallas County, Texas. Plaintiff Leeann Spell was operating her vehicle northbound on Duncanville Road turning left onto South Walton Walker Boulevard in the left turn lane. Defendant James Hatfield, while in the course and scope of his employment with, and operating under the Federal Motor Carrier authority of Defendant Debrick Truck Line Company, was operating his 18-wheeler northbound on Duncanville Road turning left onto South Walton Walker Boulevard in the right turn lane. Defendant James Hatfield failed to drive in a single lane while turning and collided hard with the passenger's side of Plaintiff's vehicle. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

VI. CAUSES OF ACTION

A. NEGLIGENCE – DEFENDANT JAMES HATFIELD

At the time of the motor vehicle collision, Defendant James Hatfield was operating 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate 18-wheeler reasonably and prudently. Defendant breached that duty in one or more of the following respects:

1. Defendant did not keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;

2. Defendant changed lanes when such movement could not be made safely in violation of TEX. TRANSP. CODE §545.060;
3. Defendant did not drive in a single lane;
4. Defendant did not keep an assured safe distance from Plaintiff's vehicle;
5. Defendant did not timely apply the brakes of 18-wheeler in order to avoid the collision in question; and
6. Defendant was operating said 18-wheeler at a greater rate of speed than a person of ordinary care and prudence would have done under the same or similar circumstances in violation of TEX. TRANSP. CODE §545.351.

B. NEGLIGENCE ENTRUSTMENT – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

As an additional cause of action, Plaintiff would show that at the time and on the occasion in question, Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. were the owners of the vehicle driven by Defendant James Hatfield. Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. entrusted the vehicle to Defendant James Hatfield. Defendant James Hatfield was unlicensed, incompetent, and/or reckless and Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. knew or should have known that Defendant James Hatfield was unlicensed, incompetent, and/or reckless. Defendant James Hatfield's negligence on the occasion in question proximately caused the collision.

C. RESPONDEAT SUPERIOR – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant James Hatfield was in the course and scope of

employment with Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. thereby making Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. liable under the doctrine of *Respondeat Superior*.

D. NEGLIGENCE – DEFENDANTS DEBRICK TRUCK LINE COMPANY AND BOWMAN SALES AND EQUIPMENT, INC.

Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. negligently hired and retained Defendant James Hatfield. Defendants Debrick Truck Line Company Bowman Sales and Equipment, Inc. failed to properly qualify, train, and/or supervise Defendant James Hatfield in order to prevent such collision.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

VII. DAMAGES

As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Property damage and loss of use of Plaintiff's vehicle;
- d. Physical pain and suffering in the past and future;
- e. Mental anguish in the past and future; and

- f. Physical impairment in the past and future.

VIII. INTENT TO USE DEFENDANTS' DOCUMENTS

Plaintiff hereby gives notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

IX. JURY TRIAL

Plaintiff demands a trial by jury and includes the appropriate jury fees.

X. U.S. LIFE TABLES

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

XI. RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendants for:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's property damage and loss of use of Plaintiff's vehicle;
5. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
6. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;

7. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;
8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiff's damages as allowed by law;
10. All costs of court; and
11. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

WITHERITE LAW GROUP, PLLC

BY: /s/ Lauren Jobin

LAUREN JOBIN

State Bar No. 24081263

lauren.jobin@witheritelaw.com

SHELLY GRECO

State Bar No. 24008168

shelly.greco@witheritelaw.com

10440 N. Central Expressway

Suite 400

Dallas, TX 75231-2228

214/378-6665

214/378-6670 (fax)

ATTORNEYS FOR PLAINTIFF

EXHIBIT 2c



FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE
CHIEF DEPUTY

CAUSE NO. DC-21-03279

LEEANN SPELL

VS.

JAMES HATFIELD, et al

191st District Court

ENTER DEMAND FOR JURY

JURY FEE PAID BY: LEEANN SPELL

FEE PAID: 40

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEEANN SPELL

Plaintiff,

v.

JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.

Defendants.

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CIVIL ACTION NO. 3:21-cv-00719

DEFENDANTS JAMES HATFIELD AND DEBRICK TRUCK LINE COMPANY'S
CERTIFICATE OF INTERESTED PERSONS

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS:

COME NOW, Defendants James Hatfield and Debrick Truck Line Company, and pursuant to Federal Rules of Civil Procedure and Local Rules 3.1(c), 3.2(e), 7.4, 81.1(a)(4)(D), and 81.2, list all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

1. Leeann Spell
by and through her attorneys of record:
Lauren Jobin
Shelly Greco
Witherite Law Group, PLLC
10440 N. Central Expressway
Suite 400
Dallas, Texas 75231-2228

2. James Hatfield
by and through his attorneys of record:
David L. Sargent
Gerardo E. Alcantara
SARGENT LAW, P.C.
1717 Main Street, Suite 4750
Dallas, Texas 75201-7346
3. Debrick Truck Line Company
by and through its attorneys of record:
David L. Sargent
Gerardo E. Alcantara
SARGENT LAW, P.C.
1717 Main Street, Suite 4750
Dallas, Texas 75201-7346
4. Bowman Sales and Equipment, Inc.
Registered Agent: Adam Deiseroth
1401 S Loop 12
Irving, Texas 75060

Respectfully submitted,

By: /s/ David L. Sargent
DAVID L. SARGENT
State Bar No. 17648700
david.sargent@sargentlawtx.com
GERARDO E. ALCANTARA
State Bar No. 24109569
jerry.alcantara@sargentlawtx.com

SARGENT LAW, P.C.
1717 Main Street, Suite 4750
Dallas, Texas 75201-7346
Telephone: (214) 749-6000
Facsimile: (214) 749-6100

**ATTORNEYS FOR DEFENDANTS
JAMES HATFIELD AND DEBRICK
TRUCK LINE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 29TH day of March 2021, a true and correct copy of the above and foregoing instrument was forwarded to the following counsel via certified mail return receipt requested:

Lauren Jobin
Shelly Greco
Witherite Law Group, PLLC
10440 N. Central Expressway, Suite 400
Dallas, Texas 75231-2228

/s/ David L. Sargent
DAVID L. SARGENT

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEEANN SPELL

Plaintiff,

v.

JAMES HATFIELD; DEBRICK
TRUCK LINE COMPANY; AND
BOWMAN SALES AND EQUIPMENT,
INC.

Defendants.

§
§
§
§
§
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§

CIVIL ACTION NO. 3:21-cv-00719

DEFENDANT DEBRICK TRUCK LINE COMPANY'S
CORPORATE DISCLOSURE STATEMENT

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS:

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Defendant Debrick Truck
Line Company hereby provides the following information.

I.
DISCLOSURES

1. Defendant Debrick Truck Line Company does not have a parent corporation.
2. Defendant Debrick Truck Line Company avers that no publicly held corporation
owns 10% or more of its stock.

CIVIL COVER SHEET

Case 3:22-cv-01629-S Document 1-2 Filed 07/27/22 Page 54 of 71 PageID 66

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I.(a) PLAINTIFFS

Leeann Spell

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Dallas County, Texas**

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

James Hatfield; Debrick Truck Line Company and Bowman Sales and Equipment, Inc.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **Johnson County, Kansas**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Lauren Jobin
Shelly Greco
Witherite Law Group, PLLC
10440 N. Central Expressway
Suite 400
Dallas, Texas 75231-2228
(214) 378-6665 (telephone)
(214) 378-6670 (fax)

ATTORNEYS "IF KNOWN"

David L. Sargent
Gerardo E. Alcantara
SARGENT LAW, P.C.
1717 Main Street, Suite 4750
Dallas, Texas 75201
(214) 749-6516

II. BASIS OF JURISDICTION

(PLACE "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only) (PLACE "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury -- Med. Malpractice <input type="checkbox"/> 365 Personal Injury -- <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 365 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Free Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of States Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 hia (1395FF) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Removed from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This action arises from a motor vehicle accident, and is removed to this court based on diversity of citizenship pursuant to USC §§1332, 1441 (b) and 1446.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND

over \$ 250,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND

☒ YES ☐ NO

VIII. RELATED CASE(S) (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE 03/29/21

SIGNATURE OF ATTORNEY OF RECORD

David Sargent

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

EXHIBIT 6

Supplemental Civil Cover Sheet for Cases Removed From State Court

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
191st Judicial District Court, Dallas County, Texas	DC-21-03279

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaim(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named, and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party	Party Type	Attorney(s)
Leeann Spell	Plaintiff	Lauren Jobin State Bar No. 24081263 Shelly Greco State Bar No. 24008168 Witherite Law Group, PLLC 10440 N. Central Expressway Suite 400 Dallas, Texas 75231-2228 (214) 378-6665 (telephone) (214) 378-6670 (fax)
James Hatfield	Defendant	David L. Sargent State Bar No.: 17648700 Gerardo E. Alcantara State Bar. No.: 24109569 SARGENT LAW, P.C. 1717 Main Street, Suite 4750 Dallas, Texas 75201-7346 (214) 749-6516 (Telephone) (214) 749-6316 (Facsimile)

Debrick Truck Line Company	Defendant	David L. Sargent State Bar No.: 17648700 Gerardo E. Alcantara State Bar No.: 24109569 SARGENT LAW, P.C. 1717 Main Street, Suite 4750 Dallas, Texas 75201-7346 (214) 749-6516 (Telephone) (214) 749-6316 (Facsimile)
Bowman Sales and Equipment, Inc.	Defendant	N/A Registered Agent: Adam Deiseroth 1401 S Loop 12 Irving, Texas 75060

3. Jury Demand:

Was Jury Demand made in State Court? ☒ Yes ☐ No

If “Yes,” by which party and on what date?

<u>Plaintiff</u>	<u>03/12/2021</u>
Party	Date

4. Answer:

Was an Answer made in State Court? ☐ Yes ☒ No

If “Yes,” by which party and on what date?

Party	Date
-------	------

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
Bowman Sales and Equipment, Inc.	Unknown

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate any changes from the style on the state court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
<i>None</i>	<i>None</i>

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Leeann Spell	Plaintiff brings claims of negligence and gross negligence, against Defendants, James Hatfield and Debrick Truck Line Company, and negligent entrustment against Defendant Debrick Truck Line Company for acts/omissions of arising from a motor vehicle accident that occurred on January 4, 2021 in Dallas County, Texas.
James Hatfield	Defendant James Hatfield denies he was negligent in the accident made the basis of this suit. Further, Defendant denies that his conduct caused the Plaintiffs' injuries, if any.
Debrick Truck Line Company	Defendant Debrick Truck Line Company denies it was negligent in the accident made the basis of this suit. Further, Defendant denies that its conduct caused the Plaintiffs' injuries, if any.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

David Sargent on behalf of Gerardo Alcantara
 Bar No. 24109569
 david.sargent@sargentlawtx.com
 Envelope ID: 51939347
 Status as of 3/30/2021 9:59 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Samantha Hanks		samantha.hanks@witheritelaw.com	3/29/2021 4:21:26 PM	SENT
Lauren Jobin		lauren.jobin@witheritelaw.com	3/29/2021 4:21:26 PM	SENT
Gerardo Alcantara		jerry.alcantara@sargentlawtx.com	3/29/2021 4:21:26 PM	SENT
Elsa Killebrew		elsa.killebrew@sargentlawtx.com	3/29/2021 4:21:26 PM	SENT
Debbie Yeager		debbie.yeager@sargentlawtx.com	3/29/2021 4:21:26 PM	SENT

Associated Case Party: JAMES HATFIELD

Name	BarNumber	Email	TimestampSubmitted	Status
David Sargent		david.sargent@sargentlawtx.com	3/29/2021 4:21:26 PM	SENT

Associated Case Party: DEBRICK TRUCK LINE COMPANY

Name	BarNumber	Email	TimestampSubmitted	Status
David Sargent		david.sargent@sargentlawtx.com	3/29/2021 4:21:26 PM	SENT

EXHIBIT 2e

United States District Court
Northern District of Texas

Karen Mitchell
Clerk of Court

Dallas Division

6/10/2022

George Allen Court
191st Judicial District Court
600 Commerce St #691
Dallas, TX 75202

FILED
22 JUN 14 PM 3:56
FEDERAL JUDGE
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

RE: 3:21-cv-00719-S

Style: Spell v. Hatfield et al

Dear Clerk:

Enclosed is a certified copy of an Order and/or Judgment remanding the above captioned case back to the 191st Judicial District Court . DC-21-03279 along with a copy of the docket sheet.

If you have any questions regarding this matter, I may be reached at 214-753-2197 .

Sincerely,
Karen Mitchell, Clerk

By: s/N. Taylor
Deputy Clerk

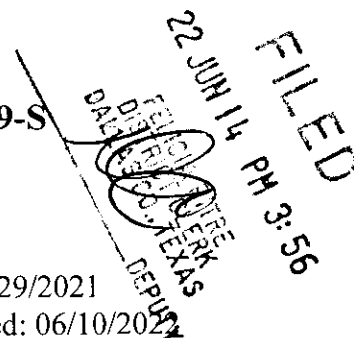
Enclosure Letter, order and docket sheet

cc: Counsel of Record
Case file (public entry)

EXHIBIT 2f

ADR,CLOSED,HORAN,JURY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:21-cv-00719-S
Internal Use Only**



Spell v. Hatfield et al
Assigned to: Judge Karen Gren Scholer
Case in other court: 191st Judicial District Court, DC-21-03279
Cause: 28:1332 Diversity-Notice of Removal

Date Filed: 03/29/2021
Date Terminated: 06/10/2021
Jury Demand: Defendant
Nature of Suit: 350 Torts/Pers Inj: Motor Vehicle
Jurisdiction: Diversity

Plaintiff

Leeann Spell

represented by **Lauren Victoria Jobin**
Witherite Law Group PLLC
10440 N Central Expressway, Suite 400
Dallas, TX 75231
214-378-6665
Fax: 214-378-6670
Email: Lauren.Jobin@witheritelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Adam Flood
Witherite Law Group PLLC
10440 N Central Expressway, Suite 400
Dallas, TX 75231-2228
214-378-6665
Fax: 214-378-6670
Bar Status: Not Admitted

Brennan Edward Clay
Witherite Law Group PLLC
10440 N Central Expressway, Suite 400
Dallas, TX 75231
214-378-6665
Fax: 214-935-2738
Email: brennan.clay@witheritelaw.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Shelly Greco
Witherite Law Group PLLC
10440 N Central Expressway, Suite 400
Dallas, TX 75231

214-378-6665
Fax: 214-378-6670
Email: shelly.greco@witheritelaw.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

V.

Defendant

James Hatfield

represented by **David L Sargent**
Sargent Law PC
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LEAD ATTORNEY
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Gerardo E. Alcantara
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Defendant

Debrick Truck Line Company

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(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Gerardo E. Alcantara
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Defendant

Bowman Sales and Equipment Inc
TERMINATED: 08/23/2021

Defendant

DK Chapman Transport LLC

Mediator

ADR Providerrepresented by **Michael S Carnahan**

Carnahan & Carnahan PC

1190 N Carroll Avenue

Southlake, TX 76092

817-552-2800

Email: mcarnahan@carnahanthomas.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Mark W Gilbert**

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*TERMINATED: 12/11/2021**Bar Status: Admitted/In Good Standing*

Date Filed	#	Docket Text
03/29/2021	<u>1</u>	NOTICE OF REMOVAL WITH JURY DEMAND filed by James Hatfield, Debrick Truck Line Company. (Filing fee \$402; receipt number 0539-11743235) In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s) Index of Matters Being Filed, # <u>2</u> Exhibit(s) Index of State Court File, # <u>3</u> Exhibit(s) Defs' Certificate of Interested Persons, # <u>4</u> Exhibit(s) Debrick Truck Line Co.'s Disclosure Statement, # <u>5</u> Cover Sheet Civil Cover Sheet (FED), # <u>6</u> Cover Sheet Supplement Supplemental Federal Civil Cover Sheet) (Sargent, David) (Entered: 03/29/2021)
03/29/2021	<u>2</u>	NOTICE of <i>Filing of Removal</i> filed by Debrick Truck Line Company, James Hatfield (Sargent, David) (Entered: 03/29/2021)
03/29/2021	<u>3</u>	New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Horan). Clerk to provide copy to plaintiff if not received electronically. (ykp) (Entered: 03/30/2021)
04/13/2021	<u>4</u>	ANSWER to Complaint (Notice of Removal) with Jury Demand filed by Debrick Truck Line Company, James Hatfield (Sargent, David) (Entered: 04/13/2021)

04/13/2021	<u>5</u>	DEMAND for Trial by Jury by Debrick Truck Line Company, James Hatfield. (Sargent, David) (Entered: 04/13/2021)
04/28/2021	<u>6</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Leeann Spell. (Jobin, Lauren) (Entered: 04/28/2021)
04/28/2021	<u>7</u>	NOTICE of Submission of Rule 26 Initial Disclosures by Leeann Spell. (Jobin, Lauren) Modified event text on 4/29/2021 (jmg). (Entered: 04/28/2021)
06/24/2021	<u>8</u>	ORDER SETTING INITIAL HEARING: FRCP 16 Scheduling Conference set for 7/1/2021 03:00 PM before Judge Karen Gren Scholer. (Ordered by Judge Karen Gren Scholer on 6/24/2021) (jmg) (Entered: 06/24/2021)
07/01/2021	<u>9</u>	NOTICE of <i>Serving Rule 26(a)(1) Disclosures</i> filed by Debrick Truck Line Company, James Hatfield (Sargent, David) (Entered: 07/01/2021)
07/01/2021	<u>10</u>	ELECTRONIC ORDER: The Court RESETS the July 1, 2021 Initial Hearing to July 30, 2021, at 10:00 a.m. CST . This hearing will be conducted in person. (Ordered by Judge Karen Gren Scholer on 7/1/2021) (chmb) (Entered: 07/01/2021)
07/26/2021	<u>11</u>	ELECTRONIC ORDER: The Court RESETS the July 30, 2021 Initial Hearing to August 2, 2021, at 1:30 p.m. CST . This hearing will be conducted in person. (Ordered by Judge Karen Gren Scholer on 7/26/2021) (chmb) (Entered: 07/26/2021)
08/02/2021	<u>12</u>	ELECTRONIC ORDER: The August 2, 2021 Initial Hearing is CANCELLED and will be reset by separate order. (Ordered by Judge Karen Gren Scholer on 8/2/2021) (chmb) (Entered: 08/02/2021)
08/13/2021	<u>13</u>	ORDER SETTING INITIAL HEARING: FRCP 16 Scheduling Conference set for 8/23/2021 01:30 PM before Judge Karen Gren Scholer. This hearing will be conducted telephonically, with remote connection details to be provided via email in advance of the hearing. (Ordered by Judge Karen Gren Scholer on 8/13/2021) (ygl) (Entered: 08/13/2021)
08/23/2021	<u>14</u>	NOTICE of <i>Serving Discovery</i> filed by James Hatfield (Sargent, David) (Entered: 08/23/2021)
08/23/2021	<u>15</u>	ELECTRONIC Minute Entry for proceedings held before Judge Karen Gren Scholer: Telephonic Scheduling Conference held on 8/23/2021. Attorney Appearances: Plaintiff - Lauren Jobin; Defense - Gerardo Alcantara. (Court Reporter: Tutti Bui) (No exhibits) Time in Court - :11. (TUB) (Entered: 08/23/2021)
08/23/2021	<u>16</u>	ELECTRONIC ORDER: At the FRCP 16 Scheduling Conference, held on August 23, 2021, Plaintiff orally moved for leave to amend her Complaint, and the Court granted the Motion. Accordingly, Plaintiff shall file an amended Complaint by September 6, 2021. (Ordered by Judge Karen Gren Scholer on 8/23/2021) (chmb) (Entered: 08/23/2021)

08/23/2021	<u>17</u>	MEDIATION ORDER. The court appoints Mark W Gilbert as mediator. The parties are to complete mediation 90 days before trial. <u>Alternative Dispute Resolution Summary</u> form provided electronically or by US Mail as appropriate. (Ordered by Judge Karen Gren Scholer on 8/23/2021) (mjr) (Entered: 08/24/2021)
08/23/2021	<u>18</u>	ORDER: The Court DISMISSES Plaintiff's claims against Defendant Bowman Sales and Equipment Inc. without prejudice under Rule 4(m). (Ordered by Judge Karen Gren Scholer on 8/23/2021) (mjr) (Entered: 08/24/2021)
08/25/2021	<u>19</u>	SCHEDULING ORDER: This case is set for jury trial on the Court's three-week docket beginning 9/12/2022 before Judge Karen Gren Scholer. Joinder of Parties due by 11/12/2021. Amended Pleadings due by 5/13/2022. Motions due by 5/13/2022. Discovery due by 8/12/2022. Pretrial Conference set for 9/1/2022 01:30 PM before Judge Karen Gren Scholer. (Ordered by Judge Karen Gren Scholer on 8/25/2021) (ndt) (Entered: 08/25/2021)
09/03/2021	<u>20</u>	AMENDED COMPLAINT against Leeann Spell filed by Leeann Spell. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Jobin, Lauren) (Entered: 09/03/2021)
09/13/2021	<u>21</u>	ANSWER to Complaint filed by Debrick Truck Line Company, James Hatfield. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Sargent, David) (Entered: 09/13/2021)
12/10/2021	<u>22</u>	Joint MOTION for Leave TO SUBSTITUTE MICHAEL CARNAHAN AS MEDIATOR filed by Leeann Spell (Attachments: # <u>1</u> Proposed Order GRANTING JOINT MOTION FOR LEAVE TO SUBSTITUTE MICHAEL CARNAHAN AS MEDIATOR) (Jobin, Lauren) Modified docket text on 12/13/2021 (oyh). (Entered: 12/10/2021)
12/11/2021	<u>23</u>	ELECTRONIC ORDER: The Court GRANTS the <u>22</u> Joint Motion to Substitute Michael Carnahan as Mediator. Michael Carnahan is hereby appointed Mediator in this case, in place of Mark Gilbert. (Ordered by Judge Karen Gren Scholer on 12/11/2021) (chmb) (Entered: 12/11/2021)
01/25/2022	<u>24</u>	MOTION to Strike <i>Plaintiff's Affidavits Under Section 18.001</i> filed by Debrick Truck Line Company (Attachments: # <u>1</u> Proposed Order) (Sargent, David) (Entered: 01/25/2022)
02/09/2022	<u>25</u>	NOTICE of <i>Serving Rule 26(A)(2) Disclosure of Expert Testimony</i> filed by Debrick Truck Line Company, James Hatfield (Sargent, David) (Entered: 02/09/2022)
02/14/2022	<u>26</u>	NOTICE of Attorney Appearance by Brennan Edward Clay on behalf of Leeann Spell. (Filer confirms contact info in ECF is current.) (Clay, Brennan) (Entered: 02/14/2022)

02/14/2022	<u>27</u>	RESPONSE filed by Leeann Spell re: <u>24</u> MOTION to Strike <i>Plaintiff's Affidavits Under Section 18.001</i> (Attachments: # <u>1</u> Proposed Order) (Clay, Brennan) (Entered: 02/14/2022)
02/28/2022	<u>28</u>	REPLY filed by Debrick Truck Line Company re: <u>24</u> MOTION to Strike <i>Plaintiff's Affidavits Under Section 18.001</i> (Sargent, David) (Entered: 02/28/2022)
02/28/2022	<u>29</u>	ADDITIONAL ATTACHMENTS to <u>28</u> Reply by Defendant Debrick Truck Line Company. (Sargent, David) (Entered: 02/28/2022)
04/11/2022	<u>30</u>	NOTICE of <i>Expert Disclosure</i> filed by Leeann Spell. (Clay, Brennan) Modified event on 4/13/2022 (mla). (Entered: 04/11/2022)
05/05/2022	<u>31</u>	MOTION to Quash filed by Leeann Spell with Brief/Memorandum in Support. (Clay, Brennan) (Entered: 05/05/2022)
05/06/2022	<u>32</u>	ELECTRONIC ORDER: The Court sets <u>31</u> Plaintiff's Motion to Quash Defendants' Notices of Intention to Take Depositions by Written Questions and Subpoenas, Motion for Protective Order, on an expedited briefing schedule. Defendants shall file their response by May 12, 2022 . The Court sets the motion for hearing on May 16, 2022 at 11:30 am , to occur in person . (Ordered by Judge Karen Gren Scholer on 5/6/2022) (chmb) (Entered: 05/06/2022)
05/06/2022	<u>33</u>	NOTICE of <i>Deposition of Plaintiff LeeAnn Spell</i> filed by Debrick Truck Line Company (Sargent, David) (Entered: 05/06/2022)
05/12/2022	<u>34</u>	RESPONSE filed by Debrick Truck Line Company, James Hatfield re: <u>31</u> MOTION to Quash (Sargent, David) (Entered: 05/12/2022)
05/13/2022	<u>35</u>	MOTION for Leave to File Amended Complaint and Add New Party filed by Leeann Spell (Clay, Brennan) (Entered: 05/13/2022)
05/13/2022	<u>36</u>	MOTION for Partial Summary Judgment <i>For Negligent Entrustment and Direct Negligence Claims</i> filed by Debrick Truck Line Company, James Hatfield (Sargent, David) (Entered: 05/13/2022)
05/13/2022	<u>37</u>	NOTICE of Attorney Appearance by Brennan Edward Clay for Adam Flood on behalf of Leeann Spell. (Clay, Brennan) (Entered: 05/13/2022)
05/16/2022	<u>38</u>	ELECTRONIC Minute Entry for proceedings held before Judge Karen Gren Scholer: Motion Hearing held on 5/16/2022 re <u>31</u> Motion to Quash filed by Leeann Spell. re: <u>31</u> MOTION to Quash Attorney Appearances: Plaintiff - Adam Flood; Defense - N/A. (Court Reporter: Tutti Bui) (No exhibits) Time in Court - :07. (TUB) (Entered: 05/16/2022)
05/16/2022	<u>39</u>	ELECTRONIC ORDER: For the reasons stated on the record during the May 16, 2022 hearing, <u>35</u> Plaintiffs Unopposed Motion for Leave to File Amended Complaint and Join Additional Party is GRANTED . The Court instructs the clerk to receive and file Plaintiffs Second Amended Complaint. See ECF No. 35, Ex. A. (Ordered by Judge Karen Gren Scholer on 5/16/2022) (chmb) (Entered: 05/16/2022)
05/16/2022	 <u>40</u>	Notice of Filing of Official Electronic Transcript of Motion Hearing Proceedings held on 5/16/2022 before Judge Karen Gren Scholer. Court Reporter/Transcriber Thu "Tutti" Bui, Telephone number (214) 753-2354. Parties are notified of their


		duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office. If the transcript contains personal identifiers that must be redacted under MO 61, Fed.R.Civ.P. 5.2 or Fed.R.Crim.P. 49.1, or if the transcript contains the name of a minor child victim or a minor child witness that must be redacted under 18 U.S.C. § 3509, file a <u>Redaction Request - Transcript</u> within 21 days. If no action is taken, the entire transcript will be made available through PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. (4 pages) Redaction Request due 6/6/2022. Redacted Transcript Deadline set for 6/16/2022. Release of Transcript Restriction set for 8/15/2022. (TUB) (Entered: 05/16/2022)
05/16/2022	<u>41</u>	SECOND AMENDED COMPLAINT WITH JURY DEMAND against Debrick Truck Line Company, James Hatfield, DK Chapman Transport LLC filed by Leeann Spell. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (oyh) (Entered: 05/17/2022)
05/17/2022	<u>42</u>	ORDER: No later than 10 days from the date of this Order, Plaintiff must file an amended complaint that alleges diversity of citizenship, in conformity with 28 U.S.C. § 1332; otherwise, this action will be remanded to state court. (Ordered by Judge Karen Gren Scholer on 5/17/2022) (ygl) (Entered: 05/17/2022)
05/27/2022	<u>43</u>	AMENDED COMPLAINT WITH JURY DEMAND against Leeann Spell filed by Leeann Spell. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Clay, Brennan) (Entered: 05/27/2022)
06/01/2022	<u>44</u>	RESPONSE filed by Leeann Spell re: <u>36</u> MOTION for Partial Summary Judgment <i>For Negligent Entrustment and Direct Negligence Claims</i> (Attachments: # <u>1</u> Proposed Order) (Clay, Brennan) (Entered: 06/01/2022)
06/10/2022	<u>45</u>	Order: On May 27, 2022, Plaintiff filed a Third Amended Complaint [ECF No. <u>43</u>]. Plaintiff, again, failed to comply with the Court's Order and further alleged that "[t]he addition of Defendant D.K. Chapman Transport, LLC means that there is no longer complete diversity of citizenship with respect to the parties in this case." See ECF No. 43 at 2. The Court further notes that Defendants are unopposed to Plaintiffs Motion for Leave to File Amended Complaint and Join Additional Party. See ECF No. 39 . Because this Court does not have subject-matter jurisdiction, the case is REMANDED to the 191st Judicial District Court of Dallas County, Texas. (Ordered by Judge Karen Gren Scholer on 6/10/2022) (Attachments: # <u>1</u> Additional Page(s) Remand Letter) (ndt) (Entered: 06/10/2022)
06/10/2022		(Court only) Clerk's Notice of Mailing: Document number <u>45</u> mailed to 191st Judicial District Court on 6/10/2022. (ndt) (Entered: 06/10/2022)

EXHIBIT 2g



IN THE DISTRICT COURT
OF DALLAS COUNTY
191st DISTRICT COURT

6/22/2022

DAVID LYNN SARGENT
SARGENT LAW PC
1717 MAIN ST
STE 4750
DALLAS TX 75201

In Re: DC-21-03279
LEEANN SPELL vs. JAMES HATFIELD, et al

ALL COUNSEL OF RECORD:

Please take note of the following settings:

Jury Trial: **09/26/2022@ 9:30 a.m.**

Trial announcements must be made in accordance with Rule 3.02, Dallas Civil Court Rules.

If not reached as set, the case may be carried to the next week.

When no announcement is made for Plaintiff, the case will be Dismissed for Want of Prosecution.

Except as provided by Court Order, completion of discovery, presentation of pretrial motions and other matters relating to preparation for trial are governed by the New Dallas Civil Court Rules, and the Texas Rules of Civil Procedure.

Please forward a copy of this notice to counsel of record for each party and all pro se parties by a method approved in Texas Rule of Civil Procedure 21a.

Please check on-line for any update.

Sincerely,

Gena N. Slaughter, District Judge
191st Judicial District Court.

CC: Counsel of Record/Pro Se Parties

Review your case information at <http://courts.dallascounty.org/>

Attorneys update your information at: <http://www.dallascounty.org/departments/districtclerk/atty-add-form.html>

George Allen Sr. Courts Building, 600 Commerce Street, Room 740, Dallas, Texas 75202. (214) 653-7117

(Located in the New Tower, 7th Floor).